

Memo

To: Town Board Members

From: James Callahan, Director of Community Development

cc: Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce

Date: July 7, 2016

Re: July 13, 2016 Town Board Meeting Agenda

Following is a review/analysis of the items listed on the July 13, 2016 Town Board Agenda:

PUBLIC HEARINGS:

1. THE OAK STAVE, 5989 TRANSIT ROAD.

Location: Southeast corner of Transit Road and Clarence Center Road.

Description/History: Existing retail plaza with restaurant/bar located in the Commercial Zone

Proposal: Applicant is proposing outside dining for new restaurant/bar.

Master Plan: Area identified in a commercial classification.

Reason for Town Board Action: Per the Zoning Law the Town Board may consider outside dining via a Temporary Conditional Permit.

Issues: Hours of operation and noise should be addressed in the permit.

FORMAL AGENDA ITEMS:

1. RENEWAL OF THE FOLLOWING TEMPORARY CONDITIONAL PERMITS

- a. Top Notch Automotive, 8355 Goodrich Road
- b. Hoover Automotive, 8417 Transit Road
- c. RJ's Automotive, 10187 Main Street
- d. Ralph Graf Automotive, 9460 Tonawanda Creek Road
- e. Neiman Automotive, 8400 County Road

- f. Carson Automotive, 10589 Main Street
- g. Clarence Pizza Company Outside Dining, 6235 Goodrich Road
- h. Emily's Family Diner Outside Dining, 9980 Main Street
- i. Murphy Browns Outside Dining, 9500 Main Street
- j. Penny Lane Café Outside Dining, 10255 Main Street
- k. Niagara Truck Equipment Outside Display, 8033 Transit Road
- l. Calarco Landscaping, 8558 Stahley Road
- m. Bakowski Landscaping, 5640 Davison Road
- n. Gallagher Landscaping, 9780 Lapp Road
- o. Zbrezny Landscaping, 4951 Kraus Road
- p. Hewson Tree Trimming, 9000 Lapp Road
- q. Bronicz Wood Cutting, 4611 Shisler Road
- r. GCR Landscaping, 5750 Shimerville Road
- s. Burghardt Landscaping, 8694 Lapp Road
- t. Strickland Welding/Fabricating, 5880 Salt Road
- u. Seitz Paving, 8346 County Road.

No documented complaints are identified for these items and the Town Board may set a public hearing to consider the renewal of these items.

The Town Board may consider a renewal of up to five (5) years on these permits.

2. RENEWAL OF THE FOLLOWING TEMPORARY CONDITIONAL PERMITS

a. UNITED FOUR WHEEL DRIVE, 10187 MAIN STREET.

Location: South side of Main Street west of Shisler Road.

Description/History: This TCP was originally approved in 1991 after a request for a Special Exception Use Permit was not granted. Subsequent renewals have extended the operation. The name of the business is now United Demolition and Excavating LLC. No detailed conditions were identified in the original TCP, however the property contains numerous pole barns and has vehicles stored in the yard area. RJ's Automotive (a separate TCP) also operates at this location.

Proposal: Applicant is requesting another extension of the TCP

Master Plan: Area identified in the Clarence Hollow Traditional Neighborhood District

Reason for Town Board Action: The Town Board may consider renewals of TCP for up to five years.

Issues: Operation of a heavy equipment storage/excavation business is not in keeping with the long term goals of the Clarence Hollow TND

b. LOUIE'S CAR CLINIC, 9385 MAIN STREET.

Location: South side of Main Street, between Goodrich and Thompson Roads.

Description/History: Existing automotive repair facility that originally received a Special Exception Use Permit for automotive repair in 1997 after several years of operating under a Temporary Conditional Permit. In 2007 the Town Board issued a Temporary Conditional Permit on top of the existing Special Exception Use Permit to allow for the display and sale of 6 vehicles in the front of the shop.

Proposal: The applicant is requesting a renewal to continue for the display and sale of vehicles.

Reason for Town Board Action: The Town Board may consider renewals of TCP for up to five years.

Master Plan: Area identified in a commercial classification.

Issues: The extreme congestion of vehicles on the site and the storage of vehicles behind the fenced in yard.

c. GEORGE SMILANICH AUTOMOTIVE SALES, 8575 ROLL ROAD.

Location: South side of Roll Road, east of Harris Hill Road.

Description/History: Existing commercial building located in the Industrial Business Park Zone. The applicant received a Temporary Conditional Permit for automotive sales in May of 2015. Conditions identified that no more than 3 vehicles were to be displayed for sale.

Proposal: Applicant is requesting a renewal to continue the automotive sales operation.

Master Plan: Area identified in an industrial classification.

Reason for Town Board Action: The Town Board may consider renewals of TCP for up to five years

Issues: Numerous complaints have been registered and the applicant is displaying many more than 3 vehicles at any given time.

d. MIKE SHIELDS AMISH SHEDS AND ITEMS, 8570 MAIN STREET.

Location: North side of Main Street east of Harris Hill Road.

Description/History: Existing vacant commercial property located in the Harris Hill Traditional Neighborhood District. The applicant received a Temporary Conditional Permit for sale of Amish Goods in November 2014. Conditions of approval included no more than 6 items displayed at any given time, setback in line with existing buildings, no lighting, only one sign per TND standards and Landscape Committee approval.

Proposal: Applicant is requesting a renewal of the existing permit.

Master Plan: Area identified in the Harris Hill TND.

Reason for Town Board Action: The Town Board may consider renewals of TCP for up to five years.

Issues: Numerous complaints have been registered identifying too many object out for display and numerous sign violations.

WORK SESSION ITEMS:

1. WILLIAM STEWART, 8953 GASKIN ROAD.

Location: South side of Gaskin Road west of The Fairways/Fairways Circle.

Description/History: Existing residential property located in the Residential Single Family zone.

Proposal: Applicant is proposing to fill and grade an existing vacant area in the residential zone to address existing drainage issues. .

Master Plan: Area identified in a residential classification.

Reason for Town Board Action: Per the Clearing Filling and Grading Law the Town Board has final approval authority.

Issues: Engineering Department review and approval. Reclamation of lot to address existing drainage issues.

2. WOLF'S NURSERY, 8400 COUNTY ROAD.

Location: South side of Lapp Road east of Transit Road.

Description/History: Existing vacant land located in the Agriculture Rural Residential Zone.

Proposal: Applicant is seeking a Clearing, Filling and Grading Permit to create a wetland area for offsite wetland impacts (wetland bank).

Master Plan: Area identified in an agricultural area.

Reason for Town Board Action: Per the Clearing Filling and Grading Law the Town Board has final approval authority.

Issues: Engineering Department review and approval.

3. DOMENIC PIESTRAK, NORTH SIDE OF ROLL ROAD EAST OF HARRIS HILL ROAD.

Location: North side of Roll Road east of Harris Hill Road proposed as an extension of Harris Hill Road.

Description/History: Existing vacant land located in the Industrial Business Park Zone.

Proposal: Applicant is proposing to extend Harris Hill Road and create a public storage facility.

Master Plan: Area identified in an industrial classification.

Reason for Town Board Action: Per the Zoning Law, the Town Board has final approval authority for uses in the Industrial Business Park Zone.

Issues: Proposed use is an allowed use in this zone. Referral to the Planning Board would initiate a formal review of this project.